

Disaster Management & Panchayati Raj System in India

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Abstract

Disaster management can be defined as the organization and management of resources and responsibilities for dealing with all humanitarian aspects of emergencies in particular preparedness, response and recovery in order to lessen the impact of disasters. It is right that disaster management group operates at local district and state levels and is responsible for the planning, organization, coordination and implementation of all measures to mitigate, prevent, prepare for respond to and recover from disaster events. Panchayati Raj was in existence since ancient India. After independence, government of India was committed to set -up Panchayati Raj system to provide real Swaraj to the people of rural areas to come out of abject poverty, unemployment, illiteracy squalor, disease etc. The latest development in this direction is the constitutional Amendment (73 and 74) of 1992 which aims to provide constitutional status to Panchayati Raj System. In this article I am going to reveal the meaning of disaster management and its relation with Panchayati Raj System in India.

Keywords: Organization, Management, Preparedness, Emergencies, Disaster, Recovery, Implementation, Abject, Unemployment, Disease.

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Introduction

Disaster management can be defined as accumulation of various activities undertaken by the government and civil society aiming towards the prevention of disaster and to meet the infrastructure need once disaster takes place. Disaster management is a continuous process which requires multidimensional activities to rehabilitate the affected person and rebuild the damaged infrastructure. It is a continuous and integrated process of "planning, organizing, coordinating and implementing measures which are necessary or expedient for:

1. Prevention of danger or threat of actual disaster
2. Mitigation or reduction of risk of a disaster or its severity or consequences;
3. Capacity building;
4. Preparedness to deal with any disaster;
5. Prompt response to any threatening disaster situation or disaster;
6. Assessing the severity or magnitude of effects of any disaster;
7. Evacuation, rescue and relief;
8. Rehabilitation and reconstruction.¹

Disaster management is a three stage process of.

Mitigation i.e.

To mitigate the reasons responsible for disaster. It is a stage in advance planning which either checks the causes of disaster or reduces the effects of disasters.

Infrastructural preparedness i.e.

Stage of alert to cope up with the actual occurrence of disaster. This involves administrative and economic preparedness, on advance outlay of resources which can reduce the loss of sufferings, both human and infrastructural.

Rehabilitation, Reconstruction and Resettlement i.e.

The basic concern at this stage is to save lives, to restore infrastructure and communications and to restore normalization as early as possible.

Constitutional Provisions for Disaster Management in India

Disaster is a post constitutional development. Therefore one doesn't find any exclusive entry on disaster management in either list of Seven Schedule. Union Government draws it legislative and regulatory

authority under the provision of Article 248 which reads as" Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List".²

It was as late as in 1999 that Union Government had constituted the High Powered Committee (HPC) to prepare draft guidelines for disaster management. The HPC has undertaken comprehensive study on various aspects of disaster in India such as nature of disasters and vulnerability profile of India, disaster management culture and organizational framework in India, and planning and finance of disaster. HPC has submitted its report in 2001. Besides its other recommendations, the Committee has underlines the role of local governance and community participation as important instrument of managing and mitigating the consequences of disaster.

In its opinion Panchayati Raj Institutions (PRIs) can perform multiple functions in disaster management such as early warning system, relief distribution, shelter home preparation, providing medical and above all moral support to victims of disaster. It is observed by the Committee that community participation is essential feature for the disaster management and all local bodies including urban can lend their support in terms of disaster preparedness and mitigation, coordinating the action at community level and creating awareness about disaster in their respective areas. It is stated by the committee that to achieve the local participation they need to be involved in formulation and implementation of disaster plan at various level. The allocation of funds needs to be taken care of to enable the local support to come in to effect without any delay. The Committee further recommended that "For effective implementation of disaster mitigation strategies, training and awareness needs to be provided to the members of local bodies as well as the gram panchayats, thereby setting up a trainee, task force that would be immediately activated should a disaster strike.

It is in above totalistic perspective that one need to examine the role of PRIs in disaster management. However in order to relocate the role of local bodies' one need to examine disaster management Act.

Disaster Management Act, 2005

The increasing need for legal framework on disaster management, because of increasing disaster events, and recommendations of High Powered Committee in this regard has inspired the Government to enact the Disaster Management Act in 2005. This Act provides for the constitution of Disaster Management Authority at three level namely National, State and District. The Chairperson of Zila Parishad shall be the co-Chairperson of the District Disaster Management Authority. A Plan has to e prepared by the District Authority and it ha been assigned 39 functions which also involve local bodies in it. District Authority has to identify he vulnerability of the District and prepare adequate response to mitigate it. District Authority has to coordinate the response of local bodies as per the direction of National Authority. The

local Bodies shall cooperate and to be involved in multiple way such as capacity building, immediate response and relief, distribution of food arranging shelter and establishment of effective communication and proliferate the information among the public and so on. It is provisioned in the Act that District Plan shall demarcate the roles and responsibilities of local bodies. In this regard Section 41 of Chapter VI is worth mentioning:

Subject to the directions of the District Authority, a local authority shall

1. "ensure that its officers and employees are trained for disaster management;
2. ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;
3. ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disaster and mitigation by the National Authority, State Authority and the District Authority;
4. carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan."

The local authority may take such other measures as may be necessary for the disaster management.

Therefore it is evident from the provisions of Disaster Management Act that local bodies are given due importance in disaster management. In conformity to the provisions of this Act many States have legislated the Disaster Management Act they are Arunachal Pradesh, Goa, Haryana, Andhra Pradesh, Delhi, Rajasthan, Himachal Pradesh, Kerala, Mizoram, Punjab, Tripura, Uttarakhand, West Bengal, Bihar and Puducherry have constituted their respective state Disaster Management Authority. However Orissa is the first state in India to constitute disaster management authority on 28 December, 1999 known as Orissa State Disaster Mitigation Authority (OSDMA). It is an autonomous organisation which looks after the reconstruction and rehabilitation works. It was created just after the advent of Super Cyclone in Orissa. The objectives oforganisation are to act as the nodal agency for disaster reconstruction works, to coordinate with the line departments involved in reconstruction, to coordinate with bilateral and multilateral aid agencies, international, national and state level NGOs, to promote disaster preparedness at all levels in the state and to set up a network with similar and relevant Organisations for disaster management.' Department of Revenue is the administrative department of OSDMA. The main objectives of OSDMA are:

1. "Act as the nodal agency for disaster reconstruction works;
2. Coordinate with the line departments involved in reconstruction
3. To coordinate with bilateral and multi-lateral aid agencies.
4. To promote disaster preparedness at all levels in the state and

5. Net work with similar and relevant organizations for disaster management."⁶

Gujarat was probably the next state to establish Gujrat State Disaster Management Authority (GSDMA) 2003, (Gujarat Act No. 20 of 2003). This act seeks to establish Gujarat State Disaster Management Authority, which is a body corporate with perpetual success and common say. By virtue of which it is a highly powerful body vested with such powers as to; "(a) act as the central planning, coordinating and monitoring body for disaster management and post-disaster reconstruction, rehabilitation, evaluation and assessment; (b) assist the state government in formulation of policy relating to emergency relief notwithstanding that the implementation of emergency relief shall be the responsibility of the Revenue Department and other departments of the Government; (c) Inform the state government and departments of government on progress and problems in disaster management; (d) Promote general education and awareness on disaster management emergency planning and response; (e) and matters incidental thereto."⁷

Madhya Pradesh has announced policy on disaster management in 2002. A committee has been established under the chairmanship of Chief Minister. This committee is known as the Cabinet Committee on Disaster Management. In the event of occurrence of any disaster, specified or unspecified, this committee meets as frequently as it may decide similar committees have been constituted at division and district level under the chairmanship of the divisional commissioner and the district collector respectively. The Revenue Department of state is designated as the nodal agency for all types of disasters at the slate level. At the state level, the Revenue Department is the nodal department for all types of natural calamities. The Labour Department is the nodal department for all industrial and chemical disasters, public health for epidemics, and the home department is the nodal department for all accidents and man-made disasters. Uttarakhand, which has come in to existence in 2000, has legislated Uttaranchal Disaster Mitigation, Management and Prevention Act. This Act also provisions for the participation of local bodies as the Section 221 of the Act says that the local bodies shall assist the District Magistrate in preparation of Disaster Management Plan for the District. Further Section 21(1) provisions for the specific role of the local bodies to lend their support to District Authority in Disaster affected areas. This Act also provides for the training of the personnel of local bodies and to ensure that all buildings in their area should comply with the established norms.

Second Administrative Reforms Commission (ARC)

Second Administrative Reform Commission was constituted by Government of India to recommend reform in public administrative system. Commission in its third report 'Crisis Management: From Despair to Hope' has used term crisis and disaster interchangeably and submitted its report in 2006. It has recommended many changes in the Disaster Management Act particularly it maintained

that the 'role local governments should be brought to the forefront for disaster management'. The commission has observed that local governance both urban and local has emerged as the important centre of self rule. These local bodies are nearest to the community and responsive towards the public demands and in the event of disaster local governance can provide instant relief and effective disaster management. Therefore Commission has recommended that there should be subsequent amendment in the Union and State Act to provide specific roles and responsibilities to the local bodies in disaster management. Commission has specifically maintained that "State Governments may examine the need to incorporate provisions in the State Disaster Management Laws and also the State Laws governing the local Bodies to provide for a well defined role to the municipalities and the Panchayati Raj Institutions".⁸ Further Commission has observed that community participation is an integral part of disaster management as the application of traditional wisdom with management of disaster can provide vibrant result in it. In this regard commission has recommended that 'Location specific training programmes for the community should be executed through the Panchayat'.

Thus the concern for the participation of Panchayati Raj has been raised from various corner and in this regard Second Administrative Commission in its third report has recommended necessary changes in the State Panchayat Act so that role and responsibilities of Panchayati Raj in disaster management can be clearly demarcated.

Panchayati Raj in India

Panchayati Raj Institutions, in India, are provisioned under Article 40 of the Directive Principles of State Policy. However it was after the 73rd Constitutional amendments that Panchayati Raj was given the Constitutional backing and the constitution of Panchayati Raj become mandatory in all the States. The 73rd Constitutional amendment has provided a three tier structure for Panchayati Raj at District, intermediate, and the village level. The major objective of the amendment was to promote community governance. Panchayati Raj Institutions have worked as institutions of social justice, women empowerment and social and economic planning and justice. Panchayats acquires its power and responsibilities from Article 243(g) which empower State Government to devolve such power and functions to Panchayats to empower them to function as the institution of community governance. The 73rd Constitutional Amendment added IX part and eleventh schedule in Constitution which include 29 items and disaster management is not included in these items.

On the basis of the recommendations of Bhuria Committee on the enactment of Panchayati Raj in Schedule and Tribal area in 1996 Panchayat Extension to the Schedule Areas Act (PESA) was enacted. The objective of PESA is to provide self governance in the Schedule Areas.⁹ This Act provides for the establishment of Gram Sabha in the Schedule Areas along with the adequate provisions for the reservations of seats.

The preparedness and quick response is the key feature of disaster management. The effective and strong response towards the disaster demands for coordinated response from overall government system including the local governance and community participation. Disaster management should be result oriented, having professional approach focusing the victim of disaster. Therefore role of every level of governance and community participation is very important to manage the disaster in vibrant manner. The importance of local governance and community participation is evident in many events such as village Panchayats have provided instant relief in the form of rehabilitation and medical facility when tsunami has taken place in the southern States in December 2004. Thus the importance and need of Panchayati Raj in disaster management is well proved from various events of disaster.

Provision of Disaster Management in Panchayati Raj Acts of certain States:

The Disaster Management Act 2005, specifically provides for the inclusions of local governance in the disaster management process, therefore it is expected from various States to make necessary amendments in their Panchayati Raj Act so that Panchayat can be included in management of disaster. However after the careful scrutiny of Panchayati Raj Acts of various States it can be concluded that hardly any State has undertaken the required amendment to include Panchayat in Disaster management; however West Bengal is the only State which has specifically empowered the Upa Samiti of Gram Panchayat to deal with Disaster Control and Management by West Bengal Panchayat Rules 2004. A brief analysis of Panchayat Raj Act of various States is discussed to locate the provisions of disaster management in these acts.

The Andhra Pradesh Panchayati Raj Act, 1994

There are some provisions in the Act which are related to disasters. Under section 46 deals with power of Gram Panchayat to provide for certain other matters; Item viii: the provision of relief to the crippled, destitute and the sick; Item xx "the provision of relief against famine or other calamities".¹⁰

The Assam Panchayat Act, 1994

IN this Act following provisions are related with disasters Chapter IV deals with Gaon Panchayat and Section 19 provides for functions of the Gaon Panchayat; Section 9(3) Mobilisation of reliefs in natural calamities; Chapter V deals with Anchalik Panchayat and Section 49 provides functions of the Anchalik Panchayat; Section 49(c) to assist the Government in relief operations in natural calamities; Section 53(1) the Government Standing Committee shall perform functions relating to the establishment matters, communications, buildings, rural housing, relief against natural calamities, water supply and all miscellaneous residing matters.

In chapter VI, section 83 (i) of the Act mentions that "the General Standing Committee shall perform functions relating to the establishment matters and functions relating to the communications, buildings, rural housing, village extensions, relief against natural calamities, Rural Development

Programme of Government of India and allied matters and all miscellaneous residuary matters"; Section 90 (i) of the Act deals with Powers and Functions of Zilla Parishad. Item 19(vi) control of fire out breaks, Item 20(e) adopt measures for relief to the people in distress.

The Bombay Village Panchayats Act, 1958 And The Maharashtra Zilla Parishads And Panchayat Samities Act, 1961

(As modified in 1994 and subsequent notification)

However there is hardly any provision related with disaster management still under chapter III section 45 Administrative powers and duties of Panchayats; sub section 3; "A Panchayat may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well being of the inhabitants of the village".¹¹ Under Section 100 Two Schedules are given under which subjects are enumerated for Zilla Parishads and Panchayat Samities. These subjects are quite exhaustive but do not speak about Disaster Management. However, some subjects have direct or indirect link with disaster scenario. Nevertheless, specific provision can be inserted.

The Gujarat Panchayats Act, 1993

(as modified up to 2000) interestingly the Gujarat Panchayat Act has some references which relate to disasters as functions of Panchayats. Schedule I under section 99 Matters in Respect of which it is the Duty of a Village Panchayat to make Provision I (s) extinguishing fires and protecting life and property when fires occur. Schedule II (section 130); Part I Matters in Respect of which it is the Duty of a Taluka Panchayat to make Provision ; (12) In the sphere of relief—Providing immediate relief in cases of floods, fires, epidemics and other natural calamities on a small or large scale. Schedule III, Part I (section 154) Matters in respect of which it is the Duty of District Panchayat to make provision; (10) In the sphere of relief —Establishment and management of relief centres, in times of natural calamities such as famine and scarcity, floods, fire and earthquake.

The Orissa Zilla Parishad Act, 1991

The Orissa Panchayat Samiti Act, 1999

Orissa Gram Panchayat Act, 1964

(As modified upto 2002) In this Act also one hardly find provision relating to disaster

However, under section 45 discretionary functions it is stated that "the gram panchayat may, if a majority of its members so decide by a resolution with the previous approval of the state government undertake within the Gram the control and administration of and be responsible for the following matters, namely; relief from famine or other calamity".¹² "Under Section III (3) enumerates the power of the Zilla Parishad and Item X 'adopt measures of the relief of distress. Under Section 20 of Panchayati Samiti Act, powers of Samiti are given, but Disaster Management is not included. However it provides power to review Action plan of Block level officers entrusted with Disaster Management. The

Orissa State Disaster Management Authority authorises Sarpanches / Panchayats to distribute relief and construct godowns and roads damaged by floods and disasters.

The Tamilnadu State Panchayat Act, 1994

(Modified up to September 30, 1999) The Tamilnadu Panchayat ACT as most of the other Panchayat Act hardly include provisions for disaster, still the Chapter VIII contains Functions, Powers and Property of Village Panchayats, Panchayat Union Councils and District Panchayats. This Chapter starts with Section 110 stating duty of Village Panchayat and ends with Section 166 with district panchayat.¹³ It is classified into duties and powers. In the absence of such provision it is necessary to insert some clauses in the Act, as the State is highly vulnerable to tsunami, cyclone, etc.

United Provinces Panchayati

Raj Act, 1947 And The Uttar Pradesh Kshetra Samitis And Zilla Parishads Adhiniyam, 1961 And Uttar Pradesh Panchayat (Laws) Act

(As modified in 1994)

The close scrutiny of Uttar Pradesh Act reveal hardly any specific provision dealing directly with the disaster/natural calamity, however Section 15 of the Act provides for powers and functions of Gram Panchayat and thirty items are listed. However, there is no mention about disaster management. However, Section 32 of the Act mentions about the powers and functions of Kshetra Panchayats and Zilla Parishads. Schedule 1 describes about Powers and Functions of Kshetra Panchayat, Item No.32 "Providing relief furring natural calamities". The Section 32 in Schedule III Part (a) deals with Powers and Functions of Zilla Panchayat. Item No. (31) Relief Work: Construction, repairs and maintenance of famine preventive works, establishment and maintenance of relief work and relief houses and adoption of such other measures of relief in time of famine and security as may be considered necessary.

The West Bengal State Panchayat Raj Act, 1973

(As modified up to November 1997) One can locate some provision for disaster management in the West Bengal Act, Chapter III of the Act mentions about the powers and duties of gram panchayat. Section 21 (s) in chapter III mentions that "rendering assistance in extinguishing fire and protecting life and property when fire occurs". Section 28: In the event of an outbreak of cholera or any other water-borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat, the Pradhan may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or likely to be, taken for the purpose of drinking and may further take such steps as he deems fit to prevent the drawing of water therefrom. Chapter IX deals with Powers and Duties of Panchayat Samiti. Under Section 109 (1) (d) "adopt measures for the relief of distress".

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 Part-H Gram Panchayat Administration Chapter XI Upa-Samitis

and Gram Unnayan Samitis of a Gram Panchayat 66.

Subjects to be dealt by Upa-Samitis.—The Upa-Samiti of a Gram Panchayat shall deliberate upon and deal with the subjects specified below against the corresponding entry of the Upa-Samiti specified in the column (2) of the Table:

S.N.	Upa-Samiti	Subjects of Upa-Samiti
1	Artha o Parikalapana	(i) Finance, (ii) Budget, (iii) Accounts, (iv) Audit, (v) Taxation, (vi) Resource-mobilization, (vii) Establishment and office management, (viii) Preparation of Gram Panchayat Plans, (ix) Implementation, monitoring and evaluation of all Poverty Alleviation including Employment Generation Programmes, (x) Food Security and Public Distribution Programme, (xi) Preparation of resource inventory and database of the Gram Panchayat Planning, (xii) Disaster control management, (xiii) Management of hat, bazar, ferry service of Gram Panchayat, (xiv) Coordination of works assigned to different Upa-Samitis and any other work not entrusted with any other Upa-Samiti.

Conclusion

There is one effective alternate until the amendment is worked out that is in most of the State Panchayat Act have the provision for the constitution of Standing Committee (at all the three tiers) to deal with any subject provided to it. Therefore according to this provision General Body of the Panchayat can pass a resolution to constitute one committee at each level to deal with disaster management or any existing committee such as Finance and Planning Committee can be endowed additional function of managing the disaster. Standing Committee on disaster management can look after many issues such as drawing up disaster management plan at local level, providing training, conducting exercises to deal with disaster situation or other such function related with disaster management. Thus necessary amendment in the existing Panchayat Act may result in effective and vibrant management of disaster.

References

1. *Gazette of India (2005): Disaster Management Act, Ne Gazette of India w Delhi: Government of India, p 1*
2. *P.M. Bakshi The Constitution of India New Delhi, Universal Law Publishing, 2009, p 224*
3. *J.C. Pant High Powered Committee on Disaster Management New Delhi*

4. *Gazette of India. Disaster management Act. New Delhi, Government of India, 2005, pp.11-15*
5. *http://www.osm.org/view_details.aspx.*
6. *http://v3.osdma.org/view_details.aspx?*
7. *<http://www.gsdma.org/dmact.pdf> S.*
8. *Second Administrative Reform Commission Third Report on Crisis Management. New Delhi, Govt of India, 2006*
9. *Ajay Kumar Singh. MapPing Panchayat Raj in India. New Delhi, Centre for Federal Studies, 2009, p25-26*
10. *www.rd.ap.gov.in/EGS/CRD_GO_571Devolution_of_Powers.pdf*
11. *www.maharashtra.gov.in/english/gazetteer*
12. *orissa.gov.in/panchayat/Orissa%20Gram%20Panchayat%20Act%201964.pdf*
13. *http://www.tnrd.gov.in/ract/pract_draft.pdf*